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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

v.

Jesus Valencia,  
Defendant.

CR 11-0434-TUC-CKJ(CRP)

ADMISSIONS OF ALLEGATION  
CONTAINED IN PETITION TO  
REVOKE SUPERVISED RELEASE  
AND/OR PROBATION

The United States of America and the defendant agree to the following disposition  
of this matter:

TERMS OF THE AGREEMENT

1. This is a revocation of:  
( X ) supervised release  
( ) probation
2. The defendant will admit to allegation (s) 1 in the Petition to Revoke. This is a  
Grade C violation. As a result, the defendant's supervised release / probation will be  
revoked. The government agrees to dismiss at sentencing any remaining allegations in the  
petition, if the defendant is sentenced in accordance with this agreement.

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1 3. The parties agree that the defendant will be sentenced to:

2 ( ) \_\_\_\_\_ months incarceration; OR

3 (X) a period of incarceration not to exceed the middle of the applicable  
4 guideline range under U.S.S.G. § 7B1.4(a) (Revocation Table), and  
not below the minimum of that range; OR

5 ( ) other (specify): \_\_\_\_\_  
6 \_\_\_\_\_

7 4. This sentence will be followed by:

8 ( ) an additional term of \_\_\_\_\_ months of supervised release

9 (X) an additional term of supervised release to be determined by the court

10 ( ) NO additional term of supervised release

11 If the defendant is sentenced to a term of probation or supervised release, the  
12 defendant agrees to comply with the previously imposed conditions and any others  
13 the probation department or court deems appropriate.

14 ( ) In addition, the following additional condition(s) shall be imposed:  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 5. Consecutive/Concurrent sentences:

19 (X) There is no agreement regarding consecutive or concurrent sentences  
20 (or the issue is not applicable in this case);

21 ( ) The government agrees that it will not take a position whether this  
22 sentence should be concurrent or consecutive to another sentence.

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## 6. Statutory and Guideline Provisions:

a) U.S.S.G. § 7B1.4, the Terms of Imprisonment (Policy Statement) provides:

**Revocation Table**  
(In months of imprisonment)

<b><u>Grade of Violation</u></b>	<b><u>I</u></b>	<b><u>II</u></b>	<b><u>III</u></b>	<b><u>IV</u></b>	<b><u>V</u></b>	<b><u>VI</u></b>
<b>Grade C</b>	3-9	4-10	5-11	6-12	7-13	8-14
<b>Grade B</b>	4-10	6-12	8-14	12-18	18-24	21-27
<b>Grade A</b>	(1) Except as provided in subdivision (2) below:					
	12-18	15-21	18-24	24-30	30-37	33-41
	(2) Where a defendant was on probation or supervised release as a result of a Class A felony:					
	24-30	27-33	30-37	37-46	46-57	51-63

b) Penalties applicable for defendant's original offense:

1) Criminal History - V2) Guideline Range - 21-273) Statutory Maximum incarceration - 10 years

c) Supervised release statutory maximums pursuant to 18 U.S.C. § 3583 (e)(3):

1) Class A felony - 5 years

2) Class B felony - 3 years

3) Class C or D felony - 2 years

4) Any other case - 1 year

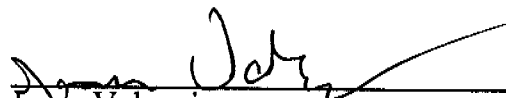
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7. Waiver of Appeal & Collateral Attacks - The defendant waives any and all motions, defenses, probable cause determinations, and objections which the defendant could assert to the information or indictment, or petition to revoke, or to the Court's entry of judgment and imposition of sentence upon the defendant, providing the sentence is consistent with this agreement. The defendant further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the imposition of sentence upon defendant; and (3) any right to collaterally attack defendant's conviction and sentence in a habeas petition under 28 U.S.C. § 2255 or motion under any other statute or rule. If the defendant files a notice of appeal or any habeas petition, notwithstanding this agreement, the defendant agrees that, upon motion of the government, this case shall be remanded to the district court to determine whether defendant is in breach of this agreement and, if so, to permit the United States to withdraw from the plea agreement.

8. The defendant understands the government's obligation to provide all information in its file regarding the defendant to the United States Probation Office. The defendant fully understands and agrees to cooperate fully with the United States Probation Office in providing all information requested by the probation officer.

I understand all of the provisions of this agreement. This written plea agreement contains all the terms and conditions of my plea, and any promises made by anyone (including my attorney) that are not contained within this written agreement are without effect and are void.


4/30/12  
Date

  
Jesus Valencia  
Defendant

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1 I have discussed this case and the plea agreement with my client in detail, and have  
2 translated it for my client if necessary. No assurances, promises, or representations have  
3 been given to me or my client by the government or by any of its representatives which are  
4 not contained in this written agreement. I concur in the entry of the plea as indicated above  
5 and on the terms and conditions set forth in this agreement as in the best interests of my  
6 client.

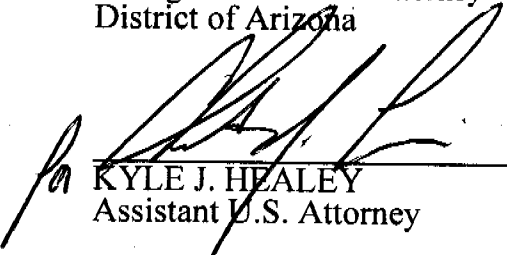
7 4/30/12  
8 Date

  
Rosemary Marquez, Esq.  
Attorney for Defendant

9 I have reviewed this matter and the plea agreement. I agree on behalf of the United  
10 States that the terms and conditions set forth are appropriate and are in the best interests of  
11 justice.

12  
13 ANN BIRMINGHAM SCHEEL  
14 Acting United States Attorney  
District of Arizona

15 4/30/2012  
16 Date

  
17 KYLE J. HEALEY  
Assistant U.S. Attorney  
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